

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2426 OF 2004

A.Saida Rao ..Petitioner

Vs.

State of Maharashtra & Ors. ..Respondents

...
Mr.T.Rajaram Mohan Roy Advocate for Petitioner
Smt.U.V.Kejariwal A.P.P. for the State
Mr.O.S.Kutty for Respondent No.2.
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : MARCH 29, 2006

P.C.

1. Heard the learned advocate for the petitioner-original accused, learned advocate for the Respondent No.2-original complainant and the learned A.P.P. for the State.

2. The petitioner is facing prosecution in C.C.No. 3470 of 2001 which is pending before the learned J.M.F.C. Vashi, Navi Mumbai. The said case is under Section 138 of Negotiable Instruments Act.

3. In the said case, the petitioner had preferred an application for issue of summons to witness i.e. V. Nageswara Rao. The said application came to be allowed by the learned Magistrate. However, it came to be allowed subject to deposit of witness bhatta of Rs.1000/- by way of provisional amount. The petitioner has challenged this order directing deposit of witness bhatta of Rs.1000/- by way of provisional amount. It is the contention of the petitioner that he has already deposited Rs.2500/- by way of witness bhatta in the Court below and hence, deposit of Rs.1000/- in addition to earlier amount, is uncalled for. Mr.Kutty learned advocate for the Respondent No.1 states that there is no objection if the part of the order directing the petitioner to deposit amount of Rs.1000/- is set aside, however, as in the said case, the statement of the accused under Section 313 of Cr.P.C. has already been recorded, the case be disposed of expeditiously. In this view of the matter, order dated 16.11.2004 relating to the deposit of Rs.1000/- towards witness bhatta, is set aside. However, proceedings relating to C.C.No. 3470 of 2001 pending before the learned Judicial Magistrate

F.C.Vashi, Navi Mumbai is expedited and trial be concluded latest by 30th June, 2006.

4. Writ petition is disposed of. Needless to say that ad-interim stay to further proceedings of the said C.C.No. 3470 of 2001 granted by order dated 9.12.2004, stands vacated.

[V.K.TAHILRAMANI, J.]